COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COOPERATIVE CORPORATION, INC.)
) CASE NO. 98-593
ALLEGED FAILURE PURSUANT TO 807 KAR 5:041, SECTION 3, TO COMPLY WITH NATIONAL ELECTRIC SAFETY CODE, 1990 EDITION, SECTION 42, RULE 420 H; RULE 421 A; RULE 422 A; AND, SECTION))))
43, RULE 431)

ORDER

Foothills Rural Telephone Cooperative Corporation, Inc. ("Foothills RTCC") is a Kentucky corporation which engages in the transmission or conveyance over wire, in air or otherwise, of any message by telephone or telegraph for the public for compensation and is a utility subject to the Commission's jurisdiction. KRS 278.010(3)(e) and KRS 278.516(2).

KRS 278.280(2) directs that the Commission is to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Administrative Regulation 807 KAR 5:041, Section 3, which requires telephone utilities to maintain their plant and facilities in accordance with the standards of the National Electric Safety Code ("NESC").

Commission Staff submitted to the Commission a Utility Accident Investigation Report dated August 6, 1998, attached hereto, which alleges that:

- 1. Big Sandy Rural Electric Cooperative Corporation ("Big Sandy") maintained a single-phase distribution line carrying 7,620 V on Patterson Creek at Flat Gap, Johnson County, Kentucky. Big Sandy's line was built over (over-built) a telephone communication line constructed and maintained by Foothills RTCC. Each system co-existed within the same easement space with the Big Sandy line simply being higher than the other.
- 2. On May 20, 1998, Foothills RTCC was in the process of replacing one of its old communication poles with a new 25 foot pole. The old pole and the hole for the new pole were located between two Big Sandy poles to which was attached the single-phase distribution line.
- 3. Four (4) employees of United, Inc., Dewey Lemaster, Donald McCoy, Anthony McDowell, and Paul Hale acting on behalf of Foothills RTCC, were working to set the new 25-foot communication pole adjacent to the old pole. Lemaster was the foreman in charge of the work crew and McCoy and McDowell were physically attempting to set the new pole by pushing and maneuvering it into the hole which had been prepared.
- 4. The crew was using a block and tackle rigging and Lemaster was operating a digger derrick truck's wench line. The block and tackle was attached to the old pole of Foothills RTCC and was attached to two (2) of Big Sandy's distribution poles.
- 5. In pushing and maneuvering the new pole, McCoy and McDowell caused the top of the pole to contact the energized primary conductor and the neutral conductor of Big Sandy's energized line facilities. The new pole was scarred with a burn mark 56 2/3 inches from the top.

- 6. McCoy and McDowell each received a shock. McCoy was transported to the local hospital but McDowell did not seek medical attention.
- 7. NESC, Section 42, Rule 420 H, mandates that employees shall use personal protective equipment and Rule 422 A specifically addresses employees who are setting, moving, or removing poles in or near energized electric supply lines. 422 A mandates that employees "shall wear suitable insulating gloves or use other suitable means" Neither Donald McCoy nor Anthony McDowell were wearing rubber gloves and sleeves, which violates NESC, Section 42, Rule 420 H and Rule 422 A.
- 8. Dewey Lemaster was the foreman in charge of the work crew when the accident occurred and he was operating the truck wench in an attempt to set the new communication pole. NESC, Section 42, Rule 421 A provides that the person in charge shall see that safety rules and operating precautions are followed by persons under his direction. By failing to direct McCoy and McDowell to wear protective equipment and to use safe procedures as hereinabove set out, Lemaster violated NESC, Section 42, Rule 421 A.
- 9. NESC, Section 43, Rule 431 provides minimum distances which employees shall observe when they take any conductive object (new pole) near exposed energized facilities (Big Sandy's 7,620 V distribution line). McCoy, McDowell, and Lemaster violated NESC Section 43, Rule 431 because the new pole contacted the distribution line of Big Sandy.
- 10. Commission Staff measured all clearances of the energized distribution line of Big Sandy and determined that the energized facilities met or exceeded allowable NESC distances. Big Sandy was not in violation.

The Commission, based upon the facts contained in the Utility Accident Investigation Report, finds sufficient evidence to believe that Foothills RTCC has failed to comply with 807 KAR 5:041, Section 3; NESC, Section 42, Rules 420 H, 421 A, and 422 A and Section 43, Rule 431.

The Commission, on its own motion, HEREBY ORDERS that:

- 1. Foothills RTCC shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Utility Accident Investigation Report.
- 2. Foothills RTCC shall appear on the 14th day of January, 1999 at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky for the purposes of presenting evidence regarding the alleged violations of Commission Regulation 807 KAR 5:041, Section 3 and NESC, Section 42, Rule 420 H; Rule 421 A; Rule 422 A; and, Section 43, Rule 431 and of showing cause, if any, why it should not be subject to the penalties prescribed in KRS 278.990(1) for the alleged violations.
- 3. The Utility Accident Investigation Report dated August 6, 1998 is hereby made a part of the record herein.
- 4. Any request for an informal conference with Commission Staff to consider any matter which would expedite the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 24th day of November, 1998.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTECT.

Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 98-593 DATED NOVEMBER 24, 1998

UTILITY ACCIDENT INVESTIGATION REPORT

	INVESTIGATION REPO	RT	
Utility:	Big Sandy RECC ("Big Sandy")	Foothills Telephone Company ("Foothills")	
Reported By:	Bruce A. Davis, Jr.	Paul Preston	
Dates & Times Accident Occurred:	05/20/98 – Between 11:30 a.m. & 11:	45 a.m.	
Utility Notified:	05/20/98 – 12:20 p.m.	05/20/98 – 11:45 p.m.	
PSC Notified:	05/20/98 – 12:32 p.m.	05/20/98 - 1:50 p.m.	
Investigated:	05/21/98		
Written Report Rcvd:	05/20/98	05/21/98	
Location of Accident:	The accident occurred on Patterson Creek at Flat Gap, Kentucky in Johnson County.		
Mr. Dewey Lemaster, Donald McCoy, Anthony McUnited, Inc. employees were in the process of setting. Mr. McCoy was injured. The crew was using a attached to Foothills' old pole to pull in the new attached to the old pole and was also attached to the either side of it. Mr. Lemaster, Foreman, was ope truck's winch line, which was attached to the block time of the accident. Mr. Lemaster said he believes setting the new pole, Big Sandy's poles were pulled time the new pole contacted Big Sandy's energized McDowell were trying to push the new pole into the energized line facilities. Mr. McCoy and Mr. McDowell was standing near by but received no transported to the hospital. Mr. McDowell did not so Lemaster was the foreman in charge at the time of and Mr. McDowell were not wearing protective equacident. United, Inc. was a subcontractor for Faccident:		bcess of setting a new pole in line when was using a block and tackle rigging in the new pole. Foothills' cable was attached to two of Big Sandy's poles on man, was operating the digger derrick d to the block and tackle rigging at the said he believed that in the process of es were pulled closer together, at which ly's energized line. Mr. McCoy and Mr. pole into the hole when it contacted the hd Mr. McDowell both received a shock. received no shock. Mr. McCoy was well did not seek medical attention. Mr. at the time of the accident. Mr. McCoy protective equipment at the time of the	

Victims:						
Name:	Donald D. McCoy	/	Fatal:	No	Age:	29
Addr./Empl.:	Rt. 4, Box 12232 310, French Lick,	, Louisa, Kentucky/ Indiana	United, Inc	., 307 Ma	ain St., P (O Box
Injuries:	Shock					
Witnesses:	Name		Address/Employment			
	Howard Dewey L	emaster	Rt. 2, Box 650, Louisa, Kentucky United, Inc. employee			
	Anthony McDowe	ell	HC 81, B United, Ir		Blain, Kent oyee	tucky
	Paul Hale		Unknown	/United,	lnc. emplo	yee
	Name		Address/l	Employm	ent	
	Arlie O. Daniel		Big Sandy RECC employee			
	Dan Hitchcock		Big Sand	y RECC	employee	
	Paul Preston (General Manager)		Foothills Rural Telephone employee			
	Lonnie Kelly Jim Patton		Foothills Rural Telephone employee			
			Foothills Rural Telephone employee			
	Donald L. Renner	(Owner)	United, Inc. employee			
	Dewey Lemaster	(Foreman)	United, Inc. employee			
	Jeff McDowell		United, Inc. employee			
Sources of	Anthony McDowe	United, Ir	nc. emplo	yee		
Information:	Paul Hale	United, Ir	nc. emplo	yee		
Probable Violations KAR 5:061, Section 3:	· · · · · · · · · · · · · · · · · · ·			r. Donald energized equipment		
Line Clearances At Point of Accident:	1 1		Applicabl Editi 199	ion¹	Volt.	Constr. Date
Phase Conductor to Ground Elevation:	Phase Conductor to Ground 25' - 2" 14' - 6"		Table 2	232-1	7620V	1994

Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

					·
Neutral Conductor to Ground					
Elevation:	21' – 6"	9' - 6"	Table 232-1	N/A	1994
Comm. Conductor to Ground Elevation:	14' – 6"	9' 5"	Table 232-1	N/A	1966
Phase Conductor to Foothills Pole:	9' – 3"	8' - 0"	Table 241-1	7620V ⁻	1994
Neutral Conductor to Foothills Pole:	5' – 7"	3' – 0"	Table 234-1	N/A	1994
Phase Conductor to Foothills Cable:	10' – 6"	6' – 0"	Table 233-1	7620V	1994
Neutral Conductor to Foothills Cable:	7' – 0"	2' – 0"	Table 233-1	N/A	1994
Date of Measurement:	05/21/98				
Approximate Temp.:	83°F				
Measurements Made By:	John M. Land and Man Missala, DOO Fusing spins Obett				
Investigated By:	John W. Land and Vern Miracle, PSC Engineering Staff				
Signed:	John Land Elen Pinacle				l

Attachments A. Big Sandy RECC's Accident Report
B. Foothills Rural Telephone's Accident Report
C. Photographs of Accident Site

	Attachment A
	Big Sandy RECC's Accident Report
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504 11th Street
Paintsville, Kentucky 41240-1422
(606) 789-4095 • Fax (606) 789-5454

5/22/98

Mr John Land Kentucky Public Service Commission P.O. Box 615 Frankfort, KY 40602

Dear Mr. Land:

Branch Office:

Box 8, Glyn View Plaza Prestonsburg, KY 41653 (606) 886-2987

RECEIVED

MAY 26 1998

DIVISION OF UTILITY ENGINEERING & SERVICES

Around 11:30 a.m. on Wednesday, May 20 1998, a contractor for Foothills Rural Telephone was setting a 25' telephone pole off an old telephone pole in mid-span between Big Sandy RECC's poles. The pole came in contact with the phase and neutral. From top of pole down to the burn mark measured 56 3/4". No other burn marks were found. Vines in a tree next to where they were setting the pole may have got tangled around the pole as it was being set. This happened on Patterson Creek at Flat Gap, Kentucky in Johnson County.

Measurements from: Phase to ground......25' Neutral to ground.....21' 5" Contractors name: United......Name of person shocked: Donald McCoy

We were notified by Foothills Rural Telephone about the electrical contact at 12:20 p.m. Arlie Daniel and myself went to the accident site to investigate. Bruce Davis Jr., General Manager for Big Sandy RECC called Foothills Telephone back around 12:25 p.m. and then reported the accident to the Public Service Commission about 12:35 p.m. I talked with you at 2:20 p.m. and gave an update on the situation.

Diagram of accident site and pictures are enclosed. Also I have enclosed the staking sheet for that particular area and a copy of our annual meter reading report for that area. As you can see by the date on the report, the last time was 9/25/97.

If you need any further information, please contact Arlie Daniel or myself.

Sincerely.

Dan Hitchcock

Member Service Department

Enclosures

Marky ar

15 410 1-1 16C71

SEP 17, 19:

BIG SANDY RECC ANNUAL METER READING REPORT

UBEEMTRS-01/2/4

				1	
	ACCOUNT NO	METER NO	CONSUMER NAME	NO OF LIGHTS	
	001-66-052-02	284274	JIMMY R LEMASTER 9-25	0	2307.
	001-66-053-04	564276	JOE H ROSEBERRY	0	2014
,	001-66-054-15	900051273	ROBERT CURTIS 9-25	1/	<u>5635</u>
	001-66-055-04	371288	GEORGE THACKER 9-25	1	350
	001-66-056-02	900320284	DAN'BARKER 9-23	0	09/5
	001-66-057-04	100052	TERESA ESTEP 9-25	0	4004
(*	001-66-058-02	-432286	PAUL BRIAN CANTRELL	0	<u>~</u>
	001-65-059-04	900447284	KRISTIE DAVIS 9-25	O	1694
	001-66-060-03	184294	SANDRA ESTEP 9-25-9	7 1	<u> 3 93 /</u>
	001-66-061-01	122294	MICHAEL ESTEP 9-25	o	54461
	001-65-052-03	900274286	JAMES A SALYERS 9-23	Q	696C
	001-56-053-01	900114286	GEORGE THACKER 9-25	1	086.
	001-66-064-03	506275	KERRY L ROBERTS 9-24	0	0170:
	001-55-055-01	900123281	RICK CALDWELL 9-24	1	0002
	001-66-067-01	190297	HOMER CANTRELL 9-24	0	0003
	001-67-001-06	900043584	ROBERT STURGILL 9-25	V. 1 4.5	1000
	001-67-002-17	276272	LOUISE LEMASTER 9:22 D.D.	at the	0264:
	001-67-003-15	900145277	MALTA SALYER (METCK in	side decurel	use nse
	001-67-006-04	384295	CLINT SALYER JR 9-22	0	2964
	001-67-007-28	367295	JOHN O BOLTON 9-24	0	12/9
	001-67-008-04	421287	charles bowles 9-25	1~400	2973
	001-67-009-06	46287	BETHEL CHURCH . 9-25	1/	12251
	001-67-010-14	900191284	DENVER SALYER 7-25	1 K	29997
	001-67-011-38	900231288	WILLARD C RAMEY 9-25	1 1	146
	001-67-012-30	397295	TONNY STANIFORD 9-25	0	5/92

Neutral

Pole or Gaund 563/4" ·10° al'5"

BIG SANDY RURAL ELECTRIC COOPERATIVE CORPURATION PAINTSVILLE, KENTUCKY Staking Siteet 41240 Staking Street

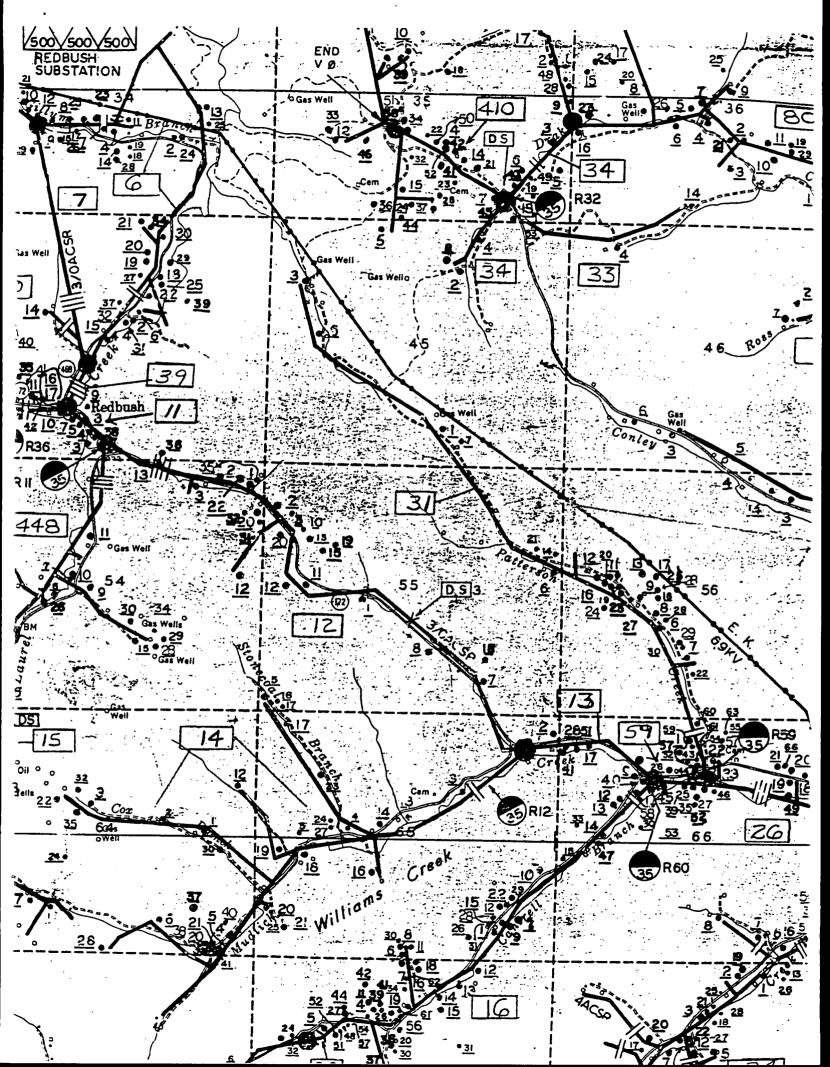
SYSTEM DESIGNATION: KY. 56 FLOYD

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LOCATION 1
STAKED BY
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DATE ISSUED
FOREMAN £ ; . . . T1-66-52 £ ; , . . - DATE DATE - > X 4-18-94 FOREMAN: C-+ + 71.11 DATE COMP (Foothills Telephone) REMARKS: Tailgate Discussion Held MEV SERVICE

RET. SERVICE

REC. ONLY

REC. O 1377c. ...



5/21/98

5/20/98

Mr John Land
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

Dear Mr. Land:

A contractor for Foothills Rural Telephone was setting a 25' telephone pole off an old telephone pole in mid-span between Big Sandy RECC's poles. The pole came in contact with the phase and neutral. From top of pole down to the burn mark measured 56 3/4". No other burn marks were found. Vines in a tree next to where they were setting the pole may have got tangled around the pole as it was being set. This happened on Patterson Creek at Flat Gap, Kentucky in Johnson County.

Diagram of accident site and pictures are enclosed. If you need any further information, please call me.

Sincerely

Dan Hitchcock

Member Service Department

Enclosures

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	Attachment B Foothills Rural Telephone's Accident Report
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FOOTHILLS RURAL- TELEPHONE COOPERATIVE CORPORATION, INC.

P.O. Box 240 Staffordsville, Kentucky 41256 Telephone Number: 606-297-3501 FAX Number: 606-297-2000

		Date: 5/22/98
•	Following	is/are 7 page(s) including this cover.
		URGENT NORMAL
TO:	COMPANY	
	CONTACT	Orhn Land
	ADDRESS	
	CITY/ST	
	FAX NO.	502-564-1582
****	*****	*************************
EDOM.	COMPANY	
FROM:	CONTACT	Paul E Prodon

		SPECIAL INSTRUCTIONS
		OIDCIAD INGINOCITORS
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FOOTHILLS TEL.

May 22, 1998

Mr. John Land Engineering Branch Public Service Commission 730 Schenkel Lane P.O. Box 615 Frankfort, KY 40602

Dear Mr. Land:

Attach you will find Foothills' report of accident that you and Vern Miracle investigated on May 21, 1998.

The pole being changed out was placed into service about 1966. Central Associated Engineers did plant inspection on this line in May 1997 as dated on staking sheets.

If I or Lonnie Kelly can be of further help, please call.

Sincerely,

FOOTHILLS RURAL TELEPHONE COOPERATIVE CORPORATION, INC.

Paul E. Preston General Manager

PEP/syw

Enclosures

cc: Don Renner United, Inc. DATE OF Accident = 5/20/1998 Collings = Flat Gap

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Time Footbells (Chambus Grable) affect 911 = 11:48

Time Lik accident scene = 12:10

Time I Radioed to whity By Sandy Rive 12:15

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Paul B. Hall degrown | Medical Centur

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United Employers that were at serve of Accide

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Anthony Millowell

Paul Hale

Dounted Milloy:

Footbells employees arrived after accident Louvie Kelly
Jim Patton

By SANCY RECC EMployers s 1. SERVICE MAN ? 2. ARlis DAMUIS 3. DAN Hitchcork

Paul Preston Palled Wayne Bres PSC

2606 297 2000

John Land PSC Vern Mix-cle PSC

DAN H. to brook By Sandy Rece

... Prul Prostou Foothills ... Lowie Kelly Foothills ... Jim Patton Foothills

DON RENNER United

Dewey LEMISTER United

Tet Mi Dowell United

Anthony McDowell Musted

Paul Hale United

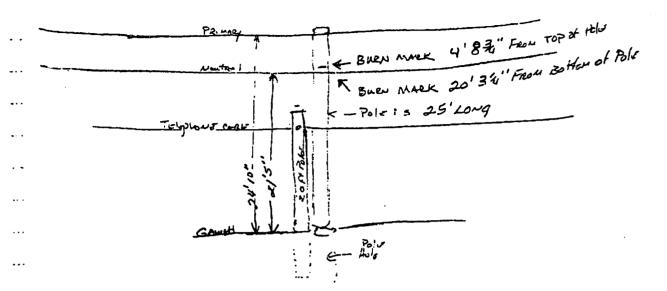
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A20-P5

Flat Gap



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- 2. Donald Mccoy, Anthony MEDONE! & Paul Haie Were Around pole.

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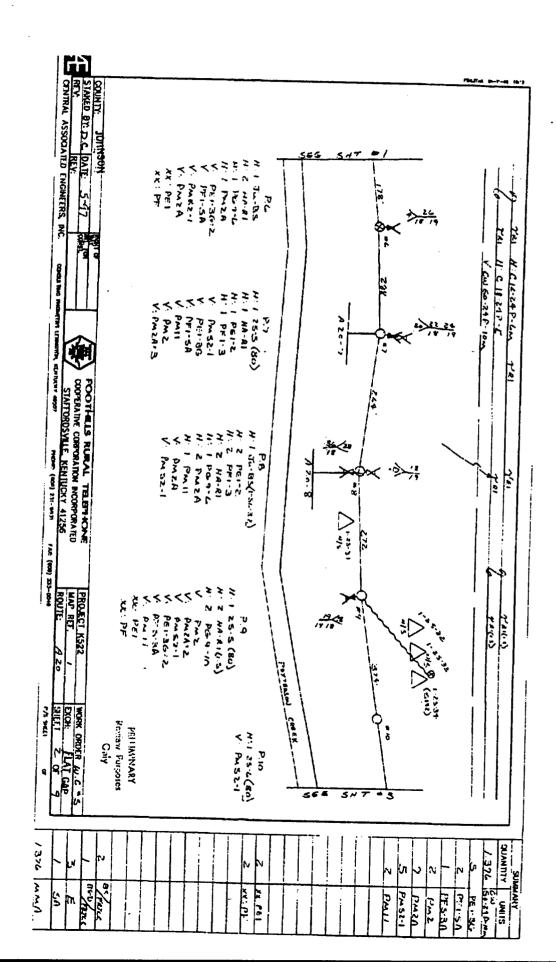
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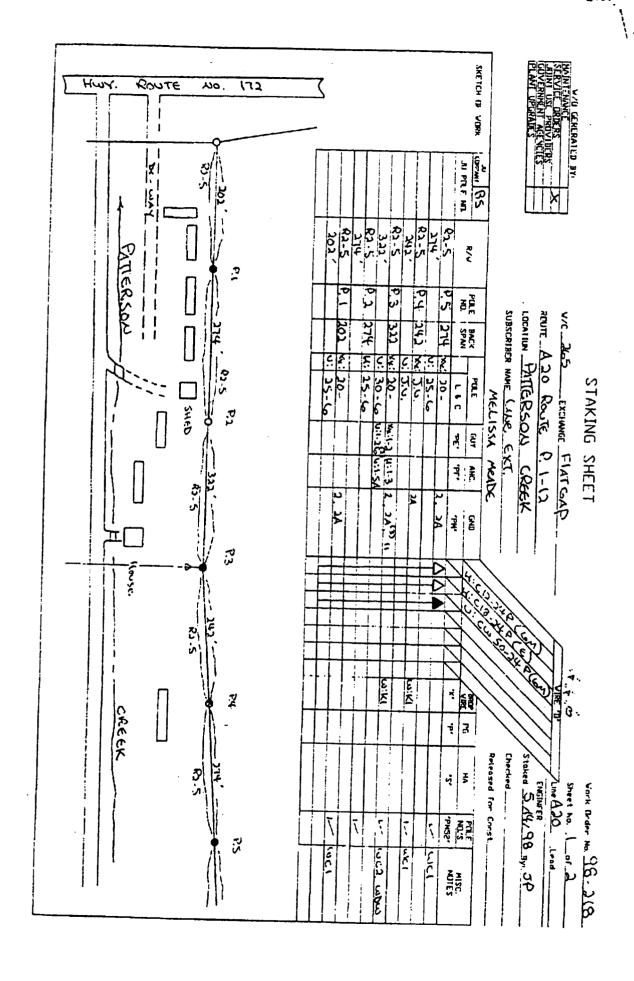
Big Sandy RECC Power live

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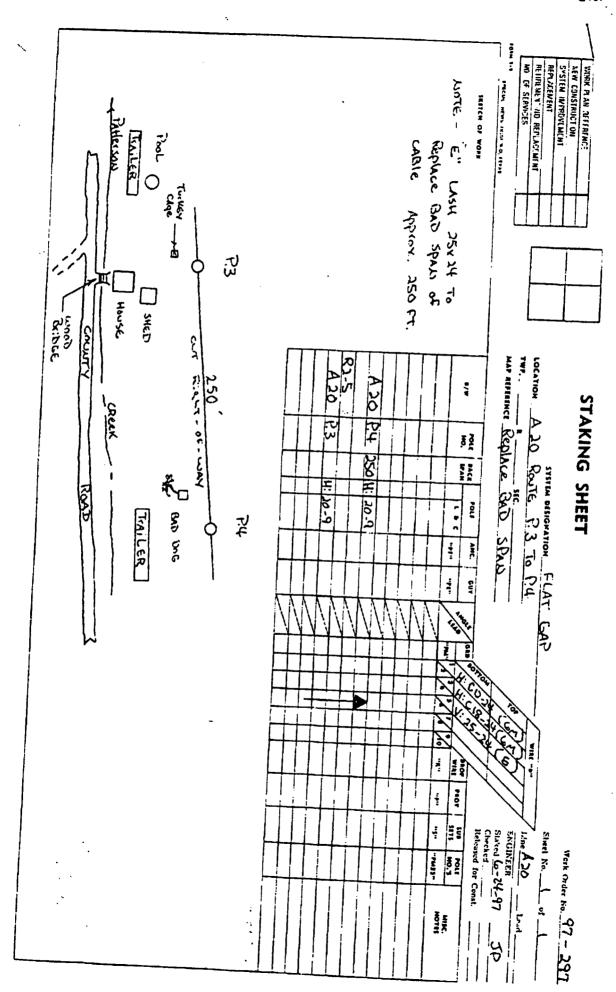




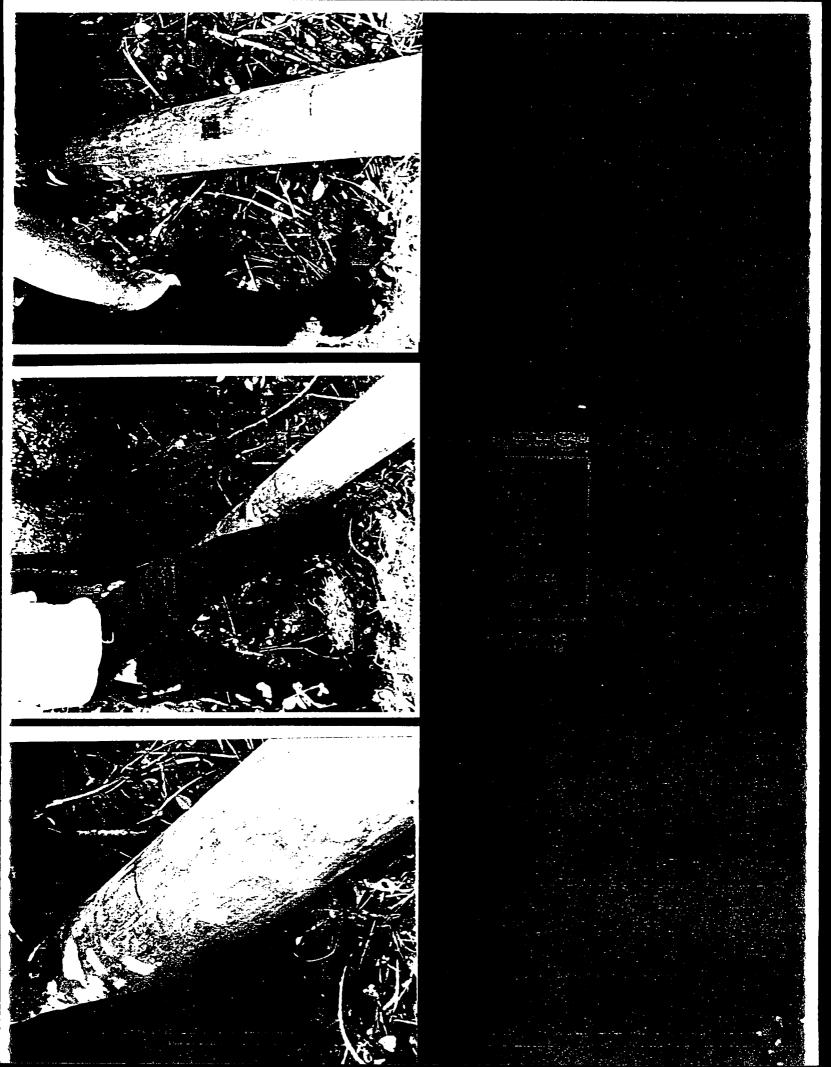
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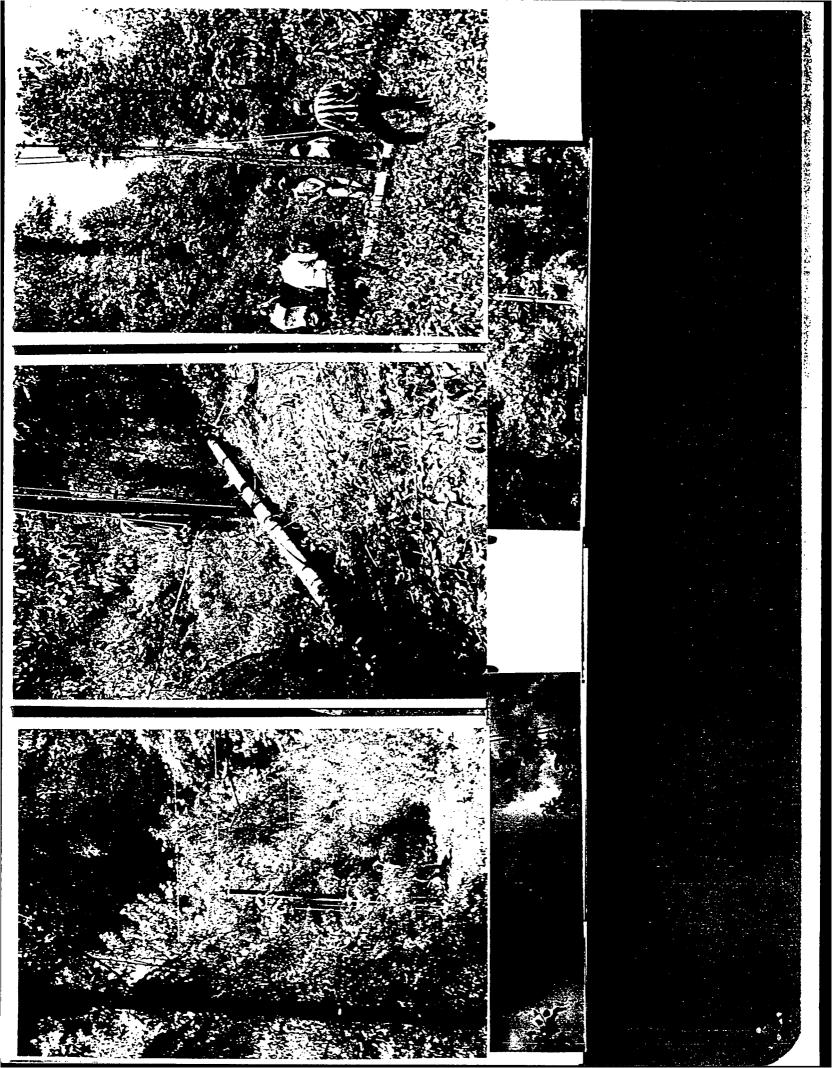
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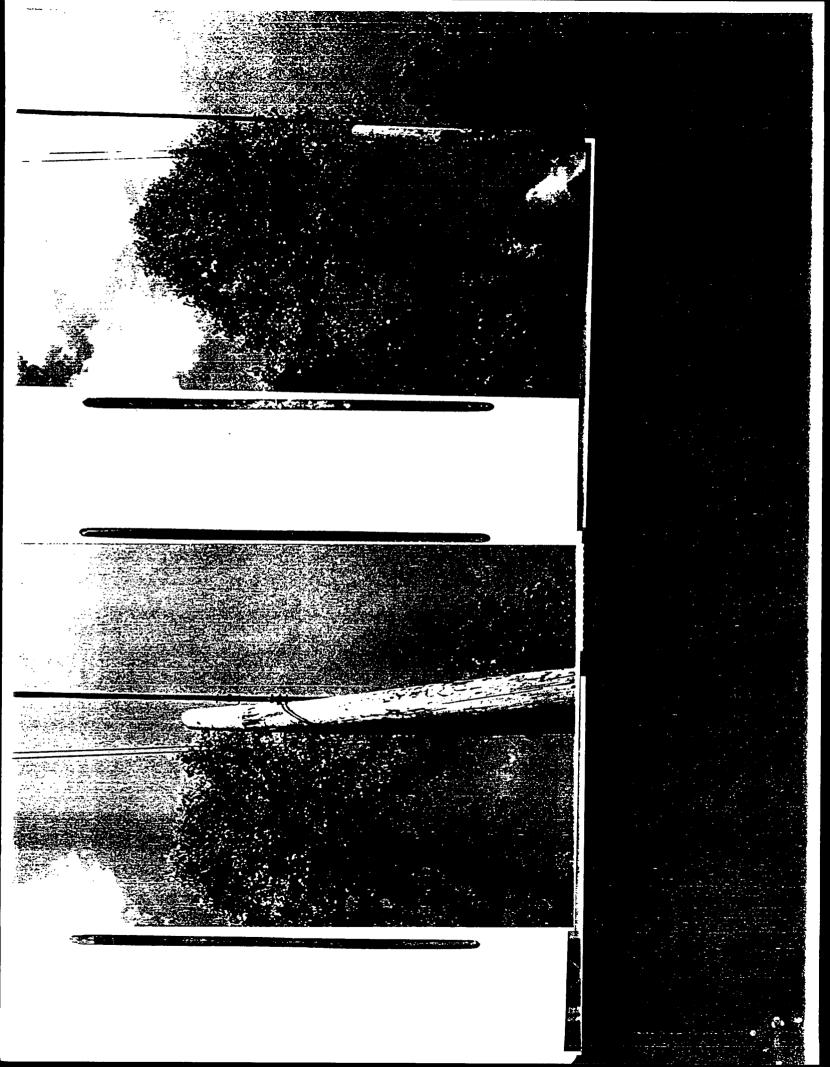
Attachment C Photographs of Accident Site

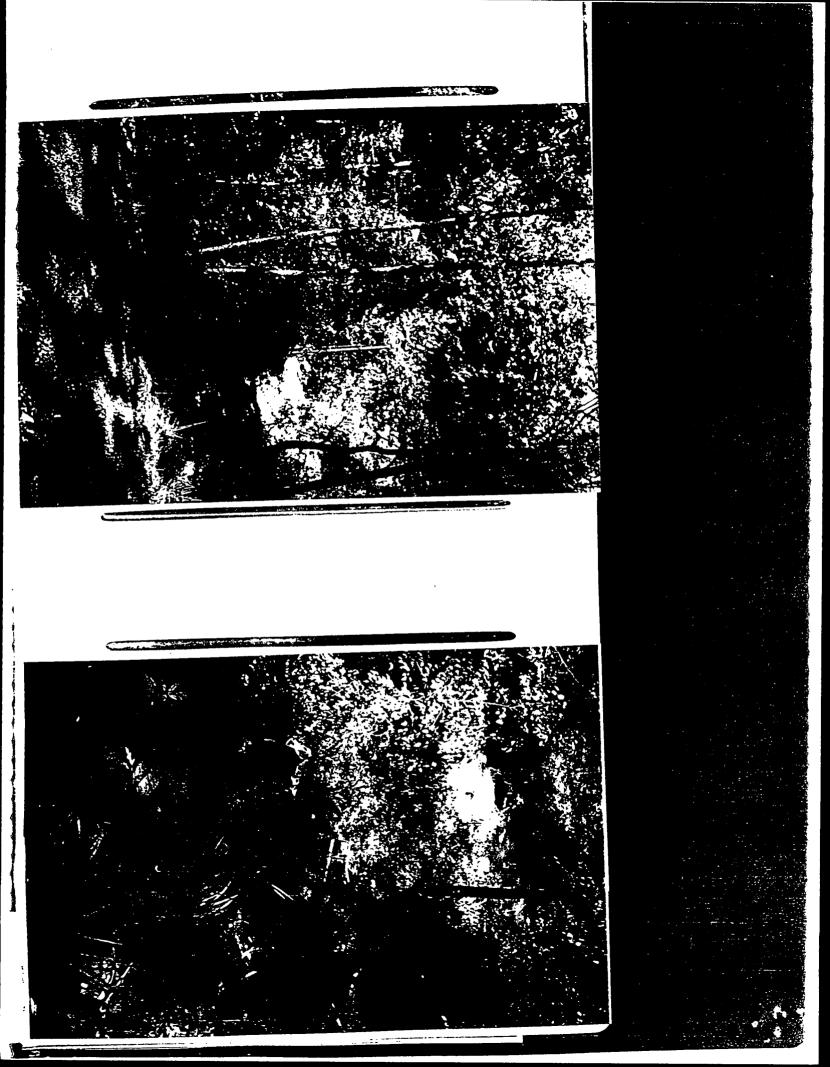


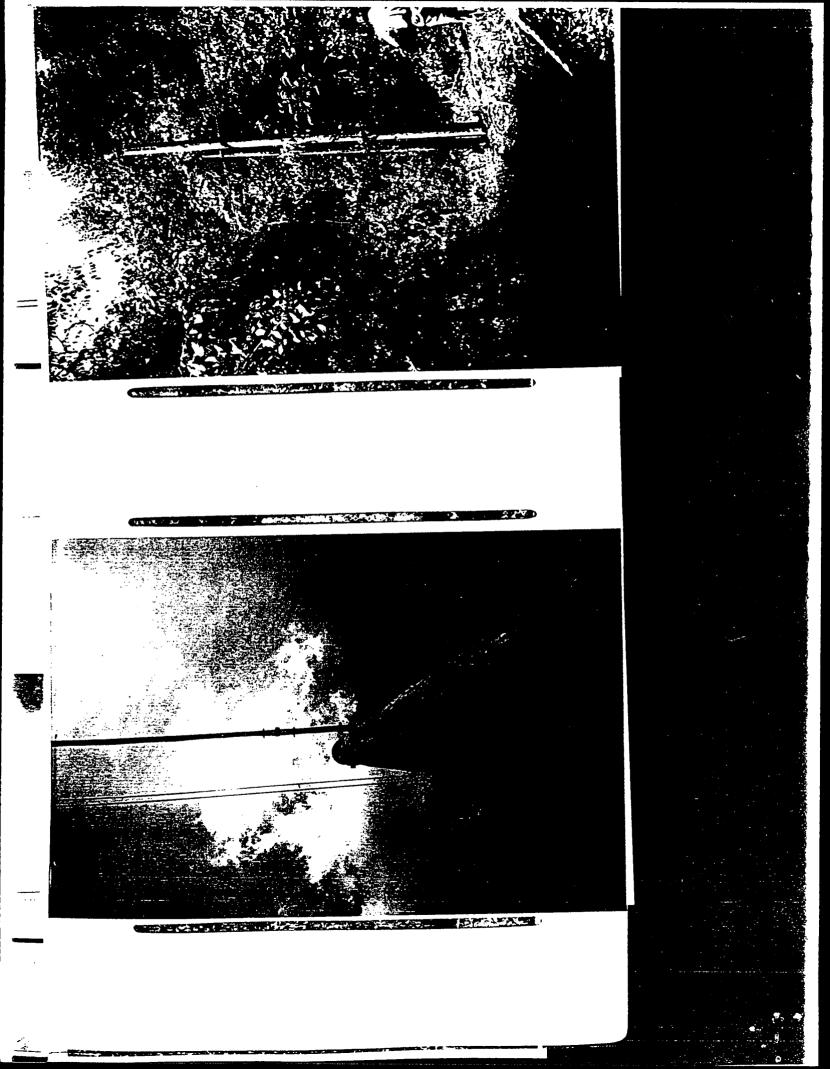


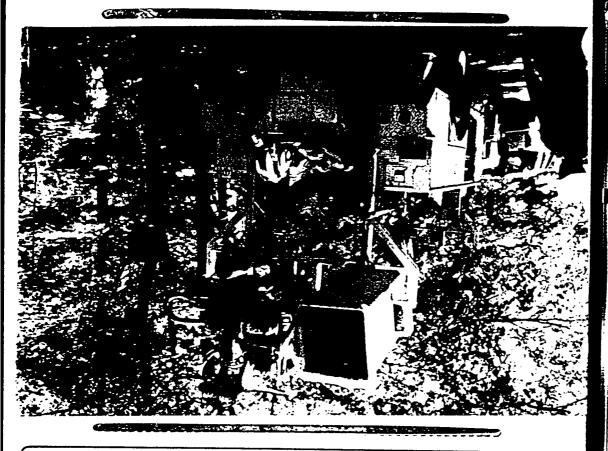












EVENT PSC Phetes 13:9 SANDY RECC - Feet Hills RUNAl TELEPHONE





